

## SECTION 1.0

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### Introduction

# 1.0 INTRODUCTION

This environmental document is a joint Draft Environmental Impact Report/Environmental Assessment (Draft EIR/EA) prepared to meet the requirements of the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). This Draft EIR/EA describes the existing environment that would be affected by, and the environmental consequences which could result from the proposed Imperial Solar Energy Center South solar energy facility project and the alternatives described in Chapter 2.0 of this Draft EIR/EA. As described in CEQA Guidelines Section 15121(a), an EIR is a public informational document that assesses the potential environmental effects of the proposed project and identifies mitigation measures and alternatives to the proposed project that could reduce or avoid its adverse environmental impacts.

CEQA requires the preparation of an EIR prior to approving any project which may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (State CEQA Guidelines Section 15378[a]). Related activities that are similar in nature and that serve the same purpose are separate projects (as opposed to a single project) if they are independently considered for approval and one activity is not a foreseeable consequence of the other. Sierra Club v West Side Irrig. Dist. (2005) 128 Cal.App.4th 690. With respect to the Proposed Action, the County has determined that the proposed Imperial Solar Energy Center South solar energy facility is a "project" within the definition of CEQA.

## 1.1 Overview of the Proposed Action

The Proposed Action consists of three primary components: 1) the construction and operation of the Imperial Solar Energy Center South solar energy facility; 2) the construction and operation of the electrical transmission lines that would connect from the solar power facility to the existing Imperial Valley substation; and 3) the widening and use of an existing dirt road for construction access and operation access. The existing dirt road traverses BLM lands and private lands. The electricity generation process associated with the Proposed Action would utilize solar photovoltaic technology to convert sunlight directly into electricity. As part of the project, the solar energy facility would interconnect to the utility grid at the 230 kV side of the Imperial Valley Substation via an approximately five-mile long transmission line. The proposed right-of-way (ROW) for the electrical transmission line corridor would be 120-feet wide. The project proponent is also requesting construction and operational access to the solar energy facility via use of an existing dirt road located along the west side of the Westside Main Canal, a portion of which is located within BLM lands. Specifically, the portion of the access road within BLM lands is 1,258 feet, and would be widened by five feet.

The site of the proposed solar energy facility is located on 946.6 gross acres of privately-owned, undeveloped and agricultural lands, in the unincorporated Mt. Signal area of the County of Imperial, approximately eight miles southwest of the City of El Centro. Imperial County is located in Southern California, bordering Mexico, west of Arizona, and east of San Diego County.

## 1.1.1 Agency Roles and Responsibilities

### 1.1.1.1 *County of Imperial*

The solar energy facility site is designated by the County of Imperial General Plan as “Agriculture” and is zoned Heavy Agriculture (A-3) and General Agricultural Rural Zone (A-2-R). The Proposed Action would require approval of a Conditional Use Permit by the County of Imperial that would allow for the construction and operation of the proposed solar power plant on a project site consisting of six legal parcels zoned A-2-R and A-3. Pursuant to Title 9, Division 5, Chapter 9, “Solar Energy Plants” is a use that is permitted in the A-3 and A-2-R Zones, subject to issuance of a conditional use permit by the County of Imperial. (“Transmission lines, including supporting towers, poles, microwave towers, utility substations” are permitted uses within the A-3 Zone.) Pursuant to Title 9, Division 5, Chapter 8, “Solar energy electrical generator,” “Electrical power generating plant,” “Major facilities relating to the generation and transmission of electrical energy,” and “Resource extraction and energy development,” are uses that are permitted in the A-2 and A-2-R zone subject to approval of a Conditional Use Permit from the County of Imperial. In addition, the Proposed Action would require approval of a variance by the County of Imperial that would allow the proposed transmission towers to exceed the 120-foot height limit. This height variance is applicable only to the portion of the Proposed Action located within the jurisdiction of the County of Imperial (i.e. the proposed solar energy facility site). No land use changes would be required in order to implement the Proposed Action.

In addition, the County would be required to approve the following documents pursuant to CEQA:

- Certification of the EIR;
- Approval of a project Mitigation Monitoring and Reporting Program;
- Approval of CEQA Findings pursuant to CEQA Guidelines Section 15091;
- Approval of Site Plan.

Subsequent ministerial approvals may include, but are not limited to:

- Grading and clearing permits;
- Building permits;
- Septic system permits;
- Occupancy permits; and
- Encroachment permits.

### 1.1.1.2 *Bureau of Land Management*

The proposed solar energy facility site is located approximately five miles south of the Imperial Valley Substation. The solar energy facility would interconnect to the utility grid at the 230 kV side of the Imperial Valley Substation. The Imperial Valley Substation is located within federal lands managed by the BLM. Also, use of an existing dirt road is proposed for construction and maintenance access to the western portion of the solar energy facility. A portion (approximately 1,258 feet) of the 1.1 mile access road is

located within BLM lands. Therefore, the project requires Right-of-Way (ROW) approval from the BLM. Easements would be required over private land for the remaining portion of the road. The project plans a 120 foot wide ROW from the solar energy facility site, along BLM land to the Imperial Valley Substation in order to accommodate the construction and maintenance of the transmission line corridor. As proposed, the new transmission line corridor would be located adjacent to the existing transmission lines that currently traverse this portion of BLM lands.

To obtain the ROW approval, CSOLAR submitted a "Standard Form 299 Application for Transportation and Utility Systems and Facilities on Federal Lands" to the BLM. The proposed ROW and access road would be located within Utility Corridor "N" designated by the BLM's California Desert Conservation Area Plan (the Desert Plan).

### *1.1.1.3 Department of Energy*

Title XVII of the Energy Policy Act of 2005 (EPAcT), P.L. 109-58 as amended by section 406 of the American Recovery and Reinvestment Act of 2009, P.L. 111-5 (the "Recovery Act"), established a Federal loan guarantee program for eligible energy projects. Title XVII authorizes the Secretary of Energy to make loan guarantees for various types of projects, including those that "avoid, reduce, or sequester air pollutants or anthropogenic emissions of greenhouse gases; and employ new or significantly improved technologies as compared to commercial technologies in service in the United States at the time the guarantee is issued." Section 406 of the Recovery Act added section 1705, which is designed to address the current economic conditions of the nation, in part, through eligible renewable and transmission projects to commence construction no later than September 30, 2011. The primary purposes of the Recovery Act are job preservation and creation, infrastructure investment, energy efficiency and science, assistance to the unemployed, and state and local fiscal stabilization. The purpose and need for the Department of Energy (DOE) action would be to comply with its mandate by selecting eligible projects that meet the goals of EPAcT and the Recovery Act.

Pursuant to provisions of section 1705, on October 7, 2009, DOE competitively solicited applications for, "Commercial Technology Renewable Energy Generation Projects Under the Financial Institution Partnership Program." In response to that solicitation CSOLAR Development LLC submitted an application to DOE on June 11, 2010, for a Federal loan guarantee for the Imperial Solar Energy Center (ISEC) South and West. DOE is carrying out a detailed financial, technical, and legal evaluation of the project submitted by the loan applicant, and is in the course of negotiating the terms and conditions of a possible Federal loan guarantee pursuant to its procedures set out at 10 CFR Part 609. DOE is a cooperating agency on this Environment Assessment (EA) pursuant to a Memorandum of Understanding (MOU) between DOE and BLM signed in January 2010, and would use this EA to comply with NEPA and assist the decision making regarding whether or not to issue a loan guarantee.

#### 1.1.1.4 *Other Agency Reviews and/or Consultations*

##### **A. Federal**

###### ***United States Army Corps of Engineers***

Consultation, if required, for a disturbance to jurisdictional waters of the U.S. that may trigger the need for a Clean Water Act (CWA) Section 404 permit.

###### ***United States Fish and Wildlife Service***

Consultation regarding potential impacts to special-status species or their habitat as required under the Federal Endangered Species Act. If applicable, Section 7 or Section 10 take permits for the loss of such species and their habitat.

##### **B. State**

###### ***California Department of Fish and Game***

Consultation regarding potential impacts to California special-status species or their habitats as required under the California Endangered Species Act. If applicable, incidental take permits for the loss of such species or their habitat. Consultation regarding potential impacts to waters/wetlands of the state. If applicable, Section 1602 Streambed Alteration Agreement.

###### ***California Department of Toxic Substances Control***

Review of Hazardous Materials Management Program and hazardous materials transportation plans, if applicable.

###### ***California Department of Transportation***

Utility encroachment permits and/or consultation on potential impacts/improvements regarding Caltrans roads/rights-of-way.

###### ***California Environmental Protection Agency***

Review of Hazardous Materials Management Program, if applicable.

###### ***California Native American Heritage Commission***

Consultation.

###### ***California Occupational Safety and Health Administration***

Review of Hazardous Materials Management Program, if applicable.

###### ***California State Water Resources Control Board/Regional Water Quality Control Board***

National Pollution Discharge Elimination System (NPDES) Construction Activity General Permit, #CA-S000002 – Requires the applicant to file a public Notice of Intent to discharge stormwater and to prepare and implement a stormwater pollution prevention plan (SWPPP).

NPDES General Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (CA-S000004) – Requires that discharges of pollutants from areas of new development be reduced to the maximum extent practicable in order to protect receiving waters and uphold water quality standards.

Consultation regarding potential impacts to jurisdictional waters. If applicable, CWA Section 401 Water Quality Certification, or permitting under California Porter-Cologne Act.

## **C. Local**

### ***Imperial County Air Pollution Control District***

Review as part of the EIR/EA process regarding consistency with the Imperial County Air Pollution Control District (ICAPCD) CEQA Air Quality Handbook, the 1991 Air Quality Attainment Plan, and the State Implementation Plan for PM<sub>10</sub> in the Imperial Valley.

### ***Imperial County Fire Department***

Review as part of the EIR/EA process including the final design of the proposed fire system.

### ***Imperial County Sheriff's Department***

Review as part of the EIR/EA process.

### ***Imperial Irrigation District***

Review as part of the EIR/EA process including approval of an encroachment permit.

## **1.2 Objectives and Purpose and Need for the Proposed Action**

The purpose of the Proposed Action is to utilize Imperial County's abundance of available solar energy (sunlight) to generate renewable energy. The following objectives have been identified for the proposed action. These objectives also provide a basis for identification of alternatives evaluated in the EIR/EA.

### **County of Imperial**

The County of Imperial is the lead agency for the Proposed Action pursuant to the California Environmental Quality Act.

- Construct and operate a solar energy facility capable of producing 200 megawatts of electricity which would help meet the increasing demand for clean, renewable electrical power.
- Construct and operate a solar power facility with minimal impacts to the environment by locating the facility on previously disturbed land.
- Operate a facility at a location that ranks amongst the highest in solar resource potential in the nation.

- Align transmission lines with existing lines contained within an existing utility corridor to minimize impacts to BLM land.
- Provides economic investment and diversifies the economic base for Imperial County.
- Reinforce Imperial County's position as a leader in the renewable energy world.
- Operate a renewable energy facility that does not produce noise, emit any greenhouse gases , and minimizes water use.
- Meet the increasing demand for clean, renewable electrical power.
- Help reduce reliance on foreign sources of fuel, promotes national security, diversifies energy portfolios, contributes to the reduction of greenhouse gas emissions and generates "green" jobs.
- The Project will contribute much needed on-peak power to the electrical grid in California.
- Help California meet its statutory and regulatory goal of increasing renewable power generation.
- Assist California in meeting its Renewable Portfolio Standard goals of 33 percent of electrical power retail sales by 2020 under pending legislation.
- Support U.S. Secretary of the Interior Salazar's Orders 3283 and 3285 making the production, development and delivery of renewable energy top priorities for the United States.
- Support the greenhouse gas reduction goals of Assembly Bill 832 (California Global Warming Solutions Act of 2006).
- Sustain and stimulate the economy of Southern California by helping to ensure an adequate supply of renewable electrical energy while simultaneously creating additional construction and operations employment and increased expenditures in many local businesses.
- Locate the solar energy generating facility on a site with the proximity and the ability to interconnect to the California Independent System Operator (CAISO) controlled transmission network.
- Locate the solar energy generating facility on a site with the ability to utilize a previously designated utility transmission corridor.

### **Bureau of Land Management**

The Bureau of Land Management is the Federal lead agency under the National Environmental Policy Act for the Proposed Action. The BLM's purpose for the Imperial Solar Energy Center South is to respond to the application from CSOLAR Development, LLC under Title V of the Federal Land Policy and Management Act (FLPMA; 43 United States Code [USC] 1701) for a right-of-way grant to operate, maintain, and decommission an electrical transmission line and associated access on public lands in compliance with FLPMA, BLM right-of-way regulations, and other applicable Federal laws. The BLM will decide whether to approve, approve with modification, or deny issuance of a right-of-way grant to CSOLAR Development, LLC for the Imperial Solar Energy Center South project. The applicant proposes to construct a transmission line which will run from the proposed Imperial Solar Energy Center South facility to the Imperial Valley

Substation in support of the PV energy generation facility. It is the responsibility of BLM to respond to the application for ROW under the Federal Land Policy and Management Act of 1976, as Amended (FLPMA). The need for the proposed action is established by the existence of a delineated transmission corridor in the CDCA Plan as Corridor "N." The BLM also has the ability to assist the applicant by utilizing this corridor in conjunction with the CDCA's goals for Energy Production and Utility Corridors to fully implement the network of joint-use planning corridors. In the Implementation of the CDCA it is the goal of the BLM to encourage applicants to use the designated corridors.

### **Department of Energy**

The purpose and need for the DOE action would be to comply with its mandate by selecting eligible projects that meet the goals of EAct and the Recovery Act. The goals of the EAct's loan guarantee program are to encourage commercial use in the U.S. of new or significantly improved energy-related technologies and to achieve substantial environmental benefits.

#### **1.2.1.1      *Social & Environmental Benefits***

The Proposed Action provides a host of social and environmental benefits consistent with California Public Utilities Code § 399.11 et seq., including: Increasing The Diversity, Reliability, Public Health and Environmental Benefits of the Energy Mix California's electric utility companies are required to use renewable energy to produce 20 percent of their power by 2010 and 33 percent by 2020. Due to rapid developments in the solar power industry, coupled with recent cost reductions and the inherent "peak shaving" benefits of solar power, solar energy is poised to contribute a significant amount of the total renewable power needed to achieve these requirements. Because solar generation occurs during on-peak hours, solar power can enhance grid stability by matching generation to the daily electric load profile. Although solar power is an intermittent source of electric energy, the on-site Solar Meteorological Station(s) will provide real-time data for reliable electrical generation predictions and coordination with the California Independent System Operator (CAISO).

#### **1.2.1.2      *Promoting Stable Electricity Prices***

Traditional base load energy prices have increased by roughly 4 percent per year in recent years and wholesale electricity pricing during peak hours has also increased with increased demand for energy and the rising cost of fossil fuels. A solar photovoltaic (PV) or concentrating photovoltaic (CPV) plant, such as the proposed facility, can produce electricity during peak demand periods when prices are highest and energy is most needed. This helps to relieve stress on the grid during peak hours, preventing the need to call up peaker plants and promoting stable electricity prices.

#### **1.2.1.3      *Creating New Employment Opportunities***

The proposed facility will provide several hundred construction-related jobs during the construction phase. It will also provide additional jobs during the operation phase related to operations, maintenance and security.



#### 1.2.1.4 *Reducing Reliance on Imported Fuels*

Once the proposed facility is completed, it will be able to operate almost completely independently from any imported fuels given. No imported fuels are required in the solar PV or CPV electricity generation process; however, a limited amount of fossil fuels would be consumed as part of operations and maintenance (e.g., employee vehicular trips, security lighting).

#### 1.2.1.5 *Protecting Public Health*

Once the facility is operational, it will produce zero greenhouse gas emissions in the electricity generation process. Very minimal greenhouse gas emissions would be produced from operations and maintenance. Based on project build out of up to 200MW, this will off-set approximately 183,600 tons of CO<sub>2</sub> equivalents annually from the atmosphere based on an electricity emission factor of 805.83 lbs of CO<sub>2</sub> equivalents per MWh for the Western Electricity Coordinating Council (WECC) California eGRID subregion averaged from 1990 to 2006 (California Climate Action Registry General Reporting Protocol Version 3.1, January 2009). Furthermore, a significant amount of criteria pollution emissions will be displaced. This will help to ameliorate respiratory afflictions and other public health conditions that arise from poor air quality.

#### 1.2.1.6 *Ameliorating Air Quality Problems*

Because the proposed facility will burn no fossil fuels, it will eliminate emissions of criteria pollutants that would have otherwise originated from fossil-based electricity production. Table 1.0 shows the estimated criteria pollutant emission rates from fossil-based power generation in the California grid mix and the amount of emissions displaced by the 200 MW Project annually.

**ESTIMATED CRITERIA POLLUTANT EMISSION REDUCTIONS CREATED BY PROJECT**

| <b>Air Pollutant</b> | <b>Emission</b>            | <b>Annual Emissions</b>          |
|----------------------|----------------------------|----------------------------------|
|                      | <b>Factor<br/>(lb/MWh)</b> | <b>Displaced by Project (lb)</b> |
| CO                   | 0.487                      | 222,000                          |
| NO <sub>x</sub>      | 0.227                      | 103,400                          |
| PM <sub>10</sub>     | 0.040                      | 18,200                           |
| ROGs                 | 0.032                      | 14,600                           |
| SO <sub>x</sub>      | 0.0022                     | 1,000                            |

Source: Wolff, G. 2005. *Quantifying the Potential Air Quality Impacts from Electric Demand Embedded in Water Management Choices*. The Pacific Institute for the California Energy Commission, PIER Energy-Related Environmental Research. CEC-500-2005-031.

#### 1.2.1.7 *Benefits to Communities with a Plurality of Minority or Low-Income Populations*

The facility is being constructed near the City of El Centro and the community of Seeley. El Centro and Seeley have a low-income rural population in Imperial County. The plant is expected to create local employment opportunities both during the construction and operating periods. Furthermore, Imperial County will benefit from millions of dollars in property tax assessments over the course of the Project lifecycle. These funds will be used to provide civil services for local communities.

### **County of Imperial**

The County of Imperial is the lead agency for compliance with CEQA for the project. The objectives of Imperial County for preparing this Draft EIR/EA are to comply with the requirements of CEQA to evaluate the potential environmental impacts of the Proposed Action. Consistent with the requirements of CEQA, the Draft EIR/EA would be used as a decision-making tool to assist Imperial County in its determination whether to approve, modify, or deny the project activities within its jurisdiction.

The project may also require permits and approvals from various public regulatory agencies, including the Imperial County Air Pollution Control District, the Imperial County Fire Department, and the Imperial Irrigation District.

### **Bureau of Land Management**

The BLM's authority for the Proposed Action includes the Federal Land Policy and Management Act of 1976, as Amended (FLMPA), Section 211 of the Energy Policy Act, and BLM's Solar Energy Development Policy. Title V of the FLPMA authorizes the BLM to issue right-of-way (ROW) grants for renewable energy projects. In addition, BLM's authority also extends to the BLM lands in the California Desert District which are governed by the California Desert Conservation Area (CDCA) Plan. BLM's purpose in preparing this EIR/EA is to comply with the requirements of NEPA to evaluate the potential environmental consequences of the Proposed Action. Consistent with requirements of NEPA, this EIR/EA would serve as a decision-making tool to assist BLM in its decision to approve, modify, or reject the Proposed Actions.

## **1.3 Relationship to Statutes, Regulations and Other Plans**

### **County of Imperial General Plan and Land Use Ordinance**

The General Plan provides guidance on future growth in the County of Imperial. Any development in the County of Imperial must be consistent with the General Plan and the Land Use Ordinance (Title 9, Division 10). The BLM-managed lands surrounding the solar facility site are not subject to the requirements of the General Plan because BLM is a Federal agency. However, BLM regulations require that resource management plans be consistent with local governments' officially approved resource related plans (FLMPA, Sec. 202(c)(9)).

### **California Desert Conservation Area Plan**

Section 601 of the FLMPA requires that BLM develop a plan to "... provide for the immediate and future protection and administration of the public lands in the California Desert within the framework of a program of multiple use and sustained yield, and the maintenance of environmental quality." Section 601 is specifically included in the FLMPA to give direction about the California Desert Conservation Area Plan (CDCA). In that section, Congress required the preparation of a comprehensive long-range Plan for the CDCA. The proposed transmission line corridor component of the Proposed Action is located entirely within the Yuha Basin Area of Critical Environmental Concern (ACEC) of the CDCA. The proposed transmission line corridor is located within Utility Corridor "N" as designated in the Plan.

### **Flat-tailed Horned Lizard Rangewide Management Strategy**

This Strategy was created by numerous cooperating agencies to provide guidance for the conservation and management of sufficient habitat to maintain extant populations of flat-tailed horned lizards (FTHL) in each of the five Management Areas identified in this plan. The proposed transmission line corridor component of the Proposed Action is located entirely within the Yuha Desert Management Area/Research Area.

### **Renewables Portfolio Standard Program**

This State law requires investor-owned utilities to obtain 20 percent of the power supplied to their customers to be generated from renewable sources by 2010. Renewable energy sources includes wind, geothermal, and solar.

### **California Global Warming Solutions Act of 2006, AB 32 (Statutes 2006; Chapter 488; Health and Safety Code Sections 38500 et. seq)**

This act requires the ARB to enact standards that will reduce GHG emissions to 1990 levels by 2020. Electricity production facilities are regulated by the ARB.

### **Title 17 CCR, Subchapter 10, Article 2, Sections 95100 et seq.**

These ARB regulations implement mandatory GHG emissions reporting as part of the California Global Warming Solutions Act of 2006.

### **Federal Clean Air Act**

The legal authority for federal programs regarding air pollution control is based on the 1990 Clean Air Act Amendments (1990 CAAA). These are the latest in a series of amendments made to the Clean Air Act (CAA). This legislation modified and extended federal legal authority provided by the earlier Clean Air Acts of 1963 and 1970.

The Air Pollution Control Act of 1955 was the first federal legislation involving air pollution. This Act provided funds for federal research in air pollution. The Clean Air Act of 1963 was the first federal legislation regarding air pollution *control*. It established a federal program within the U.S. Public Health Service and authorized research into techniques for monitoring and controlling air pollution. In 1967, the Air Quality Act was enacted in order to expand federal government activities. In accordance with this law, enforcement proceedings were initiated in areas subject to interstate air pollution transport. As part of these proceedings, the federal government for the first time conducted extensive ambient monitoring studies and stationary source inspections.

The Air Quality Act of 1967 also authorized expanded studies of air pollutant emission inventories, ambient monitoring techniques, and control techniques.

### **Imperial County Air Pollution Control District**

The Imperial County Air Pollution Control District enforces rules and regulations regarding air emissions associated with various activities, including construction and farming, and operational activities associated with various land uses, in order to protect the public health.

### **Federal Clean Water Act (33 U.S.C. §§ 1251-1387)**

The Federal Water Pollution Control Act (33 U.S.C. §§ 1251-1387), otherwise known as the Clean Water Act, is a comprehensive statute aimed at restoring and maintaining the chemical, physical and biological integrity of the nation's waters. Enacted originally in 1948, the Act was amended numerous times until it was reorganized and expanded in 1972. It continues to be amended almost every year. Primary authority for the implementation and enforcement of the Clean Water Act rests with the U.S. Environmental Protection Agency (EPA). In addition to the measures authorized before 1972, the Act authorizes water quality programs, requires federal effluent limitations and state water quality standards, requires permits for the discharge of pollutants into navigable waters, provides enforcement mechanisms, and authorizes funding for wastewater treatment works construction grants and state revolving loan programs, as well as funding to states and tribes for their water quality programs. Provisions have also been added to address water quality problems in specific regions and specific waterways.

Important for wildlife protection purposes are the provisions requiring permits to dispose of dredged and fill materials into navigable waters. Permits are issued by the Army Corps of Engineers under guidelines developed by EPA pursuant to Section 404 of the Clean Water Act.

### **Federal Clean Water Act and California Porter-Cologne Water Quality Control Act**

The Proposed Action is located within the Colorado River Basin (CRB) Regional Water Quality Control Board (RWQCB), Region 7. The federal Clean Water Act and the California Porter-Cologne Water Quality Control Act require that Water Quality Control Plans (more commonly referred to as Basin Plans) be prepared for the nine state-designated hydrologic basins in California. The Basin Plan serves to guide and coordinates the management of water quality within the region.

### **Federal Endangered Species Act**

The federal Endangered Species Act (ESA) (16 U.S.C. 1531-1544) provides protection for plants and animals whose populations are dwindling to levels that are no longer sustainable in the wild. The Act sets out a process for listing species, which allows for petition from any party to list a plant or animal. Depending on the species, either the U.S. Fish and Wildlife Service or the National Marine Fisheries Service will determine whether listing the species is warranted. If it is warranted, the species will be listed as either threatened or endangered. The difference between the two categories is one of degree, with endangered species receiving more protections under the statute.

The ESA also requires that all federal agencies ensure that their actions will not jeopardize the continued existence of a listed species. These actions include actions on federal property, such as National Forests, and actions taken as a result of federal involvement, such as building a state highway where some of the monies come from the federal government.

Section 9 of the ESA prohibits the "take" of listed fish and wildlife species, but not plant species. This provision applies to every person. The definition of "take" includes, by regulation, "significant habitat modification or degradation that actually kills or injures wildlife." 50 C.F.R. § 17.3.

#### **National Historic Preservation Act**

Federal regulations (36 CFR Part 800.2) define historic properties as "any prehistoric or historic district, site, building, structure, or object included, or eligible for inclusion in, in the National Register of Historic Places (NRHP)." Section 106 of the NHPA (Public Law 89-665; 80 Stat 915; USC 470, as amended) requires a federal agency with jurisdiction over a project to take into account the effect of the project on properties included in or eligible for the NRHP, and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. The term "cultural resource" is used to denote a historic or prehistoric district, site, building, structure, or object, regardless of whether it is eligible for the NRHP.

#### **California Endangered Species Act (Government Code Section 2050)**

The California Endangered Species Act is enacted through Government Code Section 2050. Section 2080 of the California Fish and Game Code prohibits "take" of any species that the commission determines to be an endangered species or a threatened species. Take is defined in Section 86 of the Fish and Game Code as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill."

CESA allows for take incidental to otherwise lawful development projects. CESA emphasizes early consultation to avoid potential impacts to rare, endangered, and threatened species and to develop appropriate mitigation planning to offset project caused losses of listed species populations and their essential habitats.

#### **California Lake and Streambed Program (Fish and Game Code Section 1602)**

The Department of Fish and Game (DFG) is responsible for conserving, protecting, and managing California's fish, wildlife, and native plant resources. To meet this responsibility, the Fish and Game Code (Section 1602) requires an entity to notify DFG of any proposed activity that may substantially modify a river, stream, or lake.

## **1.4 Joint CEQA/NEPA Document**

This Draft EIR/EA was prepared as a joint federal/state environmental document, as encouraged by NEPA and CEQA regulations. A third party consultant, BRG Consulting, Inc., prepared the CEQA/NEPA document under the direction of the BLM and County of Imperial.

The EIR portion of the document has been prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) and CEQA statutes provided in California Public Resources Code Section 21000 et seq.

All projects in the State of California are required to undergo environmental review in accordance with CEQA to determine if implementation of the proposed project would result in any environmental impacts. Accordingly, a project is defined as requiring environmental review pursuant to CEQA if by implementing it,

the project has the potential to result in either a direct physical change to the environment or a reasonably foreseeable indirect physical change to the environment. More specifically, a project requires environmental review if it incorporates an action undertaken by a public agency; is an activity that is supported in whole or in part through public agency contracts, grants, subsidies, etc.; or is an activity requiring a public agency to issue a lease, permit, license, certificate, or other entitlement.

CEQA was enacted in 1970 by the California legislature to disclose to decision makers and the public significant environmental effects of proposed activities and methods to avoid or reduce those effects by requiring implementation of feasible alternatives or mitigation measures. CEQA applies to California government agencies at all levels, including local government agencies that must issue permits or provide discretionary approvals for projects proposed with the potential to affect the environment. Therefore, the public agency is required to conduct an environmental review of the proposed project and consider its environmental effects before making a decision on the proposed project. In accordance with CEQA, the County of Imperial is the lead agency for the preparation of this EIR, and will be taking responsibility for conducting the environmental review and certifying the EIR.

CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before taking action on them. The purpose of an EIR is to provide decision makers, public agencies, and the general public with an objective and informational document that fully discloses the potential significant environmental effects associated with the proposed project, describes and evaluates reasonable alternatives to the project, and proposes mitigation measures that would avoid or reduce the project's significant effects. In accordance with Section 15121(a) of the CEQA Guidelines (California Administrative Code, Title 14, Division 6, Chapter 3), the purpose of an EIR is as follows:

An EIR is an informational document that will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.

This EIR evaluates the direct, indirect, and cumulative impacts of the proposed project and alternatives in accordance with the provisions set forth in CEQA and the CEQA Guidelines. It will be used to address potentially significant environmental issues and recommend adequate and feasible mitigation measures, where possible, that could reduce or eliminate potentially significant environmental impacts.

An Environmental Assessment is being prepared in accordance with NEPA in order to determine the effects of the proposed project on the quality of the human environment. It is important to note the differences between CEQA and NEPA in the way significance is determined. CEQA requires the lead agency to identify each significant impact on the environment resulting from the project and presents ways to mitigate each significant impact. If the project may have a significant impact on any environmental resource, then an EIR must be prepared. Each and every significant impact on the environment must be

disclosed in the EIR and mitigated if feasible. In addition, the CEQA Guidelines list a number of mandatory findings of significance, which also require the preparation of an EIR.

NEPA requires that an Environmental Impact Statement (EIS) be prepared when the proposed federal action (project) as a whole has the potential to “significantly affect the quality of the human environment.” The determination of significance is based on context and intensity. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. NEPA does not require that a determination of significant impacts be stated in the environmental documents. Also, there are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA.

For the BLM as lead agency, the process for complying with NEPA is provided in BLM’s National Environmental Policy Act (NEPA) Handbook (BLM Handbook H-1790-1). This handbook provides instructions for compliance with the Council on Environmental Quality’s (CEQ’s) regulations for implementing NEPA and the U.S. Department of the Interior’s manual guidance on NEPA. Based on these regulations, the BLM determines the level of documentation required for the NEPA process.

An EA is required for all actions in which the significance of the environmental impact is not clearly established. An EA can result in either a Finding of No Significant Impact (FONSI) requiring no further environmental evaluation, or identification of potentially significant impacts requiring an EIS. The FONSI need only provide a basis for the conclusion that the project will have no significant effect on the human environment and why, therefore, an EIS is not required. (40 CFR 1508.13; BLM Handbook Section 8.4.2). According to Section 7.1 of the BLM Handbook, an applicant “may use a mitigated FONSI rather than an EIS if you are able to reasonably conclude, based on the EA analysis, that the mitigation measures would be effective in reducing effects to nonsignificance.” As described in detail in Chapter 4, the EA provides the basis for a mitigated FONSI.

## 1.5 Public Participation Opportunities/Comments and Coordination

### 1.5.1 Notice of Preparation

The County of Imperial issued a Notice of Preparation (NOP) for the preparation of an Environmental Impact Report/Environmental Assessment for the Proposed Action on June 11, 2010. The NOP was distributed to city, county, and state and federal agencies, other public agencies, and various interested private organizations and individuals in order to define the scope of the EIR/EA. The NOP was also published in the Holtville Tribune on June 11, 2010. The purpose of the NOP was to identify public agency and public concerns regarding the potential impacts of the Proposed Action, and the scope and content of environmental issues to be addressed in the EIR/EA. Comment letters in response to the NOP were received from the Department of Conservation, Department of Transportation, Imperial County Air Pollution Control District, United States Marine Corps of Yuma, Arizona, Imperial Irrigation District, and Colorado River Board of California. Circulation of the NOP ended on July 16, 2010. Written comments received during the public review period for the NOP are included in Appendix A of this EIR/EA.

Issues identified during the scoping process include:

- Caltrans requirements for Utility Encroachment, such as line supports for overhead lines crossing freeways
- Concern regarding dust emissions and control during construction and operation of the project
- Concerns raised regarding potential impacts associated with the conversion of agricultural lands
- Concern regarding possible use of herbicides for weed control at the solar generating facility
- Fiscal impacts to the County associated with the solar generating facility
- Revisions to IID distribution circuits may be required to serve the Operations and Maintenance building proposed at the solar energy facility site
- IID facilities potentially impacted include the Westside Main Canal, Wormwood Canal, and canal crossing for Westside Main and Wormwood Canals, All American Canal, Drop No. 1. Walnut Canal, Woodbine Lateral 5 Canal, Mt. Signal Drain, Mt. Signal Drain No. 3, and Mt. Signal Drain No. 4
- A new bridge may be required to cross the Westside Main Canal in order to access the western portion of the solar site
- An encroachment permit is required for any construction or operation on IID property or within existing or proposed right of way or easements
- Impacts to the Salton Sea via the New River and to IID drains, due to loss or reduction of agricultural runoff caused by agricultural land conversion to urban use
- Project water requirements of IID
- New, relocated, or reconstructed IID facilities required for the project need to be evaluated

### 1.5.2 Scoping Meeting and Environmental Evaluation Committee

A public scoping meeting was held for the Proposed Action in order to solicit input on the scope and content of the EIR/EA. This meeting involved both representatives of the County of Imperial as the CEQA Lead Agency, and the Bureau of Land Management as the NEPA Lead Agency. At this meeting comments from the public were taken in both written and oral form. The meeting was recorded by the County of Imperial. This meeting occurred on June 24, 2010. Written comments received at the public scoping meeting are included with the NOP comments in Appendix A of this EIR/EA.

### 1.5.3 Airport Land Use Commission Meeting

The Proposed Action was presented and discussed at the County's Airport Land Use Commission (ALUC) Meeting held on June 16, 2010. The Proposed Action requires the transmission towers to be constructed at 140 feet in height. However, this would exceed the County's 120-foot height limit for non-residential structures within the A-2-R and A-3 zones. The ALUC determined that the Proposed Action would be consistent with the Airport Land Use Compatibility Plan (ALUCP) and no height restrictions are required for the proposed transmission line towers.



## 1.6 Availability of Reports

This Draft EIR/EA and documents incorporated by reference is available for public review at the County of Imperial Planning and Development Services Department, 801 Main Street, El Centro, California 92243. Copies are also available for review at the City of El Centro Public Library, 539 State Street, El Centro, CA. Documents at these locations may be reviewed during regular business hours. Additionally, the BLM has made this document available for review online at: <http://www.blm.gov/ca/st/en/fo/elcentro.html>.

All comments on the Draft EIR/EA should be sent to the following County of Imperial contact:

Patricia Valenzuela, Planner III  
County of Imperial, Planning and Development Services Department  
801 Main Street  
El Centro, CA 92243

Comments received during the public review period will be reviewed and responded to in the Final EIR/EA. The Final EIR/EA will then be reviewed by the Imperial County Planning Commission and Board of Supervisors as a part of the procedure to adopt the EIR/EA. Additional information on this process may be obtained by contacting the County of Imperial Planning and Development Services Department at (760) 482-4236. Subsequently, the Bureau of Land Management (BLM) will review the EA, prepare a Finding of No Significant Impact, and Decision Record for the approval of the grant of right of way.

## 1.7 Structure of this EIR/EA

### 1.7.1 Draft EIR/EA

The structure of this EIR/EA is identified in the Table of Contents. The EIR/EA is organized into nine chapters, including the Executive Summary. Within Chapter 4.0 the environmental impacts associated with implementation of the Proposed Action, Alternative 1-Alternative Transmission Line Corridor, Alternative 2-Reduced Solar Energy Facility Site, and the Alternative 3-No Action/No Project Alternative are addressed.

The **Executive Summary** provides a summary of the Proposed Action, including a summary of project impacts, mitigation measures, and project alternatives.

**Chapter 1.0 Introduction** provides a brief introduction of the Proposed Action; objectives and purpose and need for the Proposed Action; relationship to statutes, regulations and other plans; joint CEQA/NEPA document; public participation opportunities; availability of reports; and, comments received on the Draft EIR/EA.

**Chapter 2.0 Proposed Action and Alternatives** provides a detailed description of the Proposed Action and the project alternatives.

**Chapter 3.0 Affected Environment** provides a description of the existing setting on and in the vicinity of the project site related to agricultural resources; air quality; biological resources; cultural resources; geology/soils and mineral resources; greenhouse gas emissions; health, safety and hazardous materials;

hydrology and water quality; land use; noise; paleontological resources; socioeconomics; transportation/circulation; and, visual resources. This chapter also identifies the regulatory framework for the Proposed Action.

**Chapter 4.0 Environmental Consequences** provides an analysis of the environmental consequences of the Proposed Action for the following environmental issues: agricultural resources; air quality; biological resources; cultural resources; geology/soils and mineral resources; greenhouse gas emissions; health, safety and hazardous materials; hydrology and water quality; land use; noise; paleontological resources; socioeconomics; transportation/circulation; and, visual resources. This chapter also identifies mitigation measures to address potential impacts to the environmental issues identified above.

**Chapter 5.0 Cumulative Impacts** discusses the impact of the Proposed Action in conjunction with other planned and future development in the surrounding areas.

**Chapter 6.0 Other CEQA Required Considerations** provides an analysis of significant irreversible environmental changes, growth inducing impacts, and unavoidable significant environmental impacts.

**Chapter 7.0 Effects Found Not To Be Significant** lists all the issues determined to not be significant as a result of preparation of this EIR/EA.

**Chapter 8.0 List of Preparers and Organizations Contacted** lists all the individuals and companies involved in the preparation of the EIR/EA and well as the individuals and agencies consulted and cited in the EIR/EA.

**Chapter 9.0 References** lists the data references utilized in preparation of the EIR/EA.

Appendix A is bound at the end of this EIR/EA. Appendix A includes the NOP and responses to the NOP.

## 1.7.2 Technical Appendices

The technical reports for agricultural resources; air quality; biological resources; geology/soils and mineral resources; greenhouse gas emissions; health, safety and hazardous materials; hydrology and water quality; noise; and, transportation/circulation are provided on the attached CD found on the back cover of this EIR/EA. These reports are referenced at the beginning of each environmental issue area and within the relevant environmental analysis sections of this document. Incorporation by reference is permitted by Section 15150 of the CEQA Guidelines. In addition the project-specific technical reports included in the appendices, other documents and reference sources have been used in the preparation of this EIR in Section 9.0, *References*. The draft EIR/EA, appendices and any documents incorporated by reference or referred to in the EIR/EA are available for public review at the County of Imperial. Pursuant to CEQA Guideline 15125 (a) the baseline physical conditions as analyzed in these reports are the conditions that existed at the time of the issuance of the Notice of Preparation (NOP) for the EIR/EA.

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